

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

HONEYWELL INTERNATIONAL INC.,
HAND HELD PRODUCTS, INC., and
METROLOGIC INSTRUMENTS, INC.,

Plaintiffs,

v.

OPTO ELECTRONICS CO., LTD.,

*Defendant and
Counterclaim Plaintiff,*

v.

HONEYWELL INTERNATIONAL INC.,
HAND HELD PRODUCTS, INC., and
METROLOGIC INSTRUMENTS, INC.,

Counterclaim Defendants.

Case No. 3:21-cv-00506

**PLAINTIFFS' AMENDED NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**

Notice is hereby given under Federal Rules of Appellate Procedure 3 and 4 that Plaintiffs Honeywell International Inc., Hand Held Products, Inc., and Metrologic Instruments, Inc. (collectively “Honeywell”) appeal to the United States Court of Appeals for the Fourth Circuit the final Judgment entered on July 20, 2023 (Dkt. 353) as amended by the Amended Judgment entered on July 26, 2023 (Dkt. 358), and all orders, decisions, verdicts, rulings, findings, and conclusions that underlie or relate thereto, including but not limited to (1) the Court’s April 20, 2023, Order (Dkt. 195) granting-in-part summary judgment against Honeywell regarding Honeywell’s claim under Section 5.1 of the License and Settlement Agreement between Honeywell and OPTO

Electronics Co., Ltd.; (2) the Court's June 2, 2023, Order (Dkt. 223) denying Honeywell's motion for reconsideration; and (3) the Court's September 27, 2023 Order (Dkt. 394) denying Honeywell's motion for fees and costs.

Submitted October 2, 2023

/s/ S. Benjamin Pleune

S. Benjamin Pleune (NC Bar No. 28748)
M. Scott Stevens (NC Bar No. 37828)
Michael R. Hoernlein (NC Bar No. 40419)
Stephen R. Lareau (NC Bar No. 42992)
Brandon Springer (NC Bar No. 54523)
Nicholas C. Marais (NC Bar No. 53533)
Lauren N. Griffin (NC Bar No. 54766)

ALSTON & BIRD LLP

101 S. Tryon Street, Suite 4000
Charlotte, NC 28280
Telephone: (704) 444-1000
Facsimile: (704) 444-1935

*Counsel for Plaintiffs and Counterclaim Defendants
Honeywell International Inc.,
Hand Held Products, Inc., and
Metrologic Instruments, Inc.*

CERTIFICATE OF SERVICE

I certify that on October 2, 2023 I filed a copy of this AMENDED NOTICE OF APPEAL using the Court's CM/ECF system, which automatically provides service to all counsel of record.

/s/ S. Benjamin Pleune

S. Benjamin Pleune
N.C. Bar No. 28748